

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

PHILLIP SCOTT, on behalf of himself and all )  
others similarly situated, )  
*Plaintiff,* )

v. )

CA No. 7:19-CV-00108-FL

J&K DRYWALL, INC. d/b/a K&J )  
CONSTRUCTION, FRAMING, AND )  
HANGING; JAMES MALLOY; FRANCES )  
MALLOY; COLLINS & WRIGHT, INC.; )  
and BALFOUR BEATTY )  
CONSTRUCTION, LLC, )  
*Defendants*

**PLAINTIFF’S UNOPPOSED MOTION FOR APPROVAL OF SETTLEMENT**

Plaintiff Phillip Scott, on behalf of himself and all other similarly situated persons (collectively “Plaintiffs”) and without any opposition from Defendants J&K Drywall, Inc. d/b/a K&J Construction, Framing, and Hanging; James Malloy; Frances Malloy; Collins & Wright, Inc.; and Balfour Beatty Construction, LLC (collectively “Defendants”) moves this Court to approve the Parties’ Settlement Agreement and dismiss Plaintiffs’ claims against Defendants with prejudice. As explained in greater detail in the accompanying memorandum, the Settlement Agreement is fair and reasonable. Plaintiff respectfully requests that this Court enter an Order approving the settlement and dismissing Plaintiff’s claims against Defendants with prejudice.<sup>1</sup>

Respectfully submitted this December 24, 2019.

/s/ Gilda Adriana Hernandez

Gilda A. Hernandez (NCSB No. 36812)  
Charlotte Smith (NCSB No. 53616)

<sup>1</sup>Consistent with the Parties’ proposed settlement agreement, Plaintiff respectfully requests the Court modify the deadline for Plaintiff to file the stipulation of dismissal from January 3, 2019 to three (3) days following the consummation of the terms of the settlement agreement. *See* Court’s November 11 Order setting deadline to file stipulation of dismissal to January 3, 2019, Dkt. 28.

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**CERTIFICATE OF SERVICE**

I hereby certify that December 24, 2019, I electronically filed the foregoing true and accurate copy of the **PLAINTIFF'S MOTION FOR APPROVAL OF SETTLEMENT** with the Court using the CM/ECF system, which will send notification of such filing to the following:

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